

§ 115C-325.4. (See Editor's note for applicability) Dismissal or demotion for cause.

(a) Grounds. – No teacher shall be dismissed, demoted, or reduced to employment on a part-time basis for disciplinary reasons during the term of the contract except for one or more of the following:

- (1) Inadequate performance. In determining whether the professional performance of a teacher is adequate, consideration shall be given to regular and special evaluation reports prepared in accordance with the published policy of the employing local school administrative unit and to any published standards of performance which shall have been adopted by the board. Inadequate performance for a teacher shall mean (i) the failure to perform at a proficient level on any standard of the evaluation instrument or (ii) otherwise performing in a manner that is below standard.
- (2) Immorality.
- (3) Insubordination.
- (4) Neglect of duty.
- (5) Physical or mental incapacity.
- (6) Habitual or excessive use of alcohol or nonmedical use of a controlled substance as defined in Article 5 of Chapter 90 of the General Statutes.
- (7) Conviction of a felony or a crime involving moral turpitude.
- (8) Advocating the overthrow of the government of the United States or of the State of North Carolina by force, violence, or other unlawful means.
- (9) Failure to fulfill the duties and responsibilities imposed upon teachers or school administrators by the General Statutes of this State.
- (10) Failure to comply with such reasonable requirements as the board may prescribe.
- (11) Any cause which constitutes grounds for the revocation of the professional educator's license.
- (12) Failure to maintain his or her license in a current status.
- (13) Failure to repay money owed to the State in accordance with the provisions of Article 60 of Chapter 143 of the General Statutes.
- (14) Providing false information or knowingly omitting a material fact on an application for employment or in response to a preemployment inquiry.
- (15) A justifiable decrease in the number of positions due to district reorganization, decreased enrollment, or decreased funding.

(b) Dismissal Procedure. – The procedures provided in G.S. 115C-325.6 shall be followed for dismissals, demotions, or reductions to part-time employment for disciplinary reasons for any reason specified in subsection (a) of this section.

(c) Local boards of education shall adopt a policy for implementing a reduction in force pursuant to subdivision (a)(15) of this section that includes the following criteria:

- (1) In determining which positions shall be subject to a reduction, a local board of education shall consider the following:
 - a. Structural considerations, such as identifying positions, departments, courses, programs, operations, and other areas where there are (i) less essential, duplicative, or excess personnel; (ii) job responsibility and position inefficiencies; (iii) opportunities for combined work functions; and (iv) decreased student or other demands for curriculum, programs, operations, or other services.
 - b. Organizational considerations, such as anticipated organizational needs of the local school administrative unit and program or school enrollment.

- (2) In identifying which teachers in similar positions shall be subject to a dismissal, demotion, or reduction to employment on a part-time basis under the policy, a local school administrative unit shall consider work performance and teacher evaluations. (2013-360, s. 9.6(b); 2015-241, s. 8.38(a); 2017-189, s. 6(d).)